

**NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION**

**3742. Hormone feed. U. S. v. 11 Bags, etc.** (F. D. C. No. 30807. Sample Nos. 29453-L, 29454-L.)

**LIBEL FILED:** February 26, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 2, 1950, by Wessanan's Koninklijke Fabrieken, N. V., from Wormerveir, Holland.

**PRODUCT:** 11 bags, each containing 4 packages, and 1 bag, containing 2 packages, together with 3 additional packages, of *hormone feed* at Nisqually, Wash.

**RESULTS OF INVESTIGATION:** There was in the possession of the consignee a letter from the shipper dated June 2, 1950, representing the article as effective to promote growth and improve meat and fat of cattle, chickens, and other farm animals.

**LABEL, IN PART:** (Package) "10 K. G. Vevoron 95 Majsmel 5 Veveron—Methyl-thiouracil"; (shipping case) "Vevoron for Cattle."

**NATURE OF CHARGE:** Section 505 (a), the article was a new drug within the meaning of the law, and an application filed pursuant to the law was not effective with respect to the article.

**DISPOSITION:** July 1, 1952. Default decree of condemnation and destruction.

**DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS\***

**3743. Misbranding of dextro-amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. Hoffman's Pharmacy and Guy W. Hoffman. Pleas of nolo contendere.** Each defendant fined \$150 and placed on probation for 1 year. (F. D. C. No. 32710. Sample Nos. 1549-L, 1551-L, 1880-L, 1881-L, 1885-L, 1886-L.)

**INFORMATION FILED:** May 2, 1952, Northern District of Georgia, against Hoffman's Pharmacy, a partnership, Atlanta, Ga., and Guy W. Hoffman, a partner in the partnership.

**ALLEGED VIOLATION:** On or about August 22 and September 4 and 5, 1951, while a number of *dextro-amphetamine sulfate tablets* and *Seconal Sodium capsules* were being held for sale at Hoffman's Pharmacy after shipment in interstate commerce, the defendants caused quantities of the drugs to be repacked and dispensed without a prescription, which acts resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

\*See also No. 3760 (veterinary preparations).